



EPISODE 4: A Surprise Recording and the Sacrificial Loser

[00:00:00] **Mandy Matney:** Happy Wednesday, MMP fans. And yes, it is wedding week for us finally. We are so excited and thankful for all of the kind words we've been getting from fans. Because y'all have been on this journey with us for the past 15 months and several of you asked, we will be sending out a link to all subscribers if you wanna watch the ceremony. And seriously, if you wanna give us a wedding gift, please subscribe to our newsletter by going to murdaughmurderspodcast.com. Because we're taking it easy for the next couple weeks, Liz, Eric, and I got together to chat about the latest updates in this never-ending story that we've committed ourselves to covering. So here it goes.

[00:00:47] Russell Laffitte's criminal trial, the first criminal trial in all of the Murdaugh cases, is just weeks away. And as we get closer to the November 7th date, things are getting really heated and surprisingly cutthroat, even for this case. So this week, Liz, Eric, and I talked about what went down last week in federal court when Palmetto State Bank made the very unusual move of intervening in the case in an effort to prevent Russell from using a secret recording that he says will prove that the board knew what he was doing. This is a big deal. Up until now, Palmetto State Bank has maintained that Russell acted alone, particularly when he used the bank's money to pay PMPED back for half of the \$1.3 million that Alex allegedly stole from Arthur Badger. So just when you think these cases couldn't get any more dramatic, here we are.

[00:01:52] **Liz Farrell:** So if you're Russell, let's just put ourselves in his brain space for a second here, a bank is an institution that takes money from other people and then lends it to —

[00:02:02] **Mandy Matney:** Other people.

[00:02:03] **Eric Bland:** No. They don't take money. They take custody and deposits. And they're supposed to preserve it and watch it.

[00:02:12] **Liz Farrell:** Okay. But then they loan it out to other people.



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[00:02:14] **Eric Bland:** At reasonable rates.

[00:02:16] **Liz Farrell:** Okay. So if you're Russell, if you're thinking, well, how is this different? We're taking in money from Hannah Plyler and I'm just loaning it out. That's what bankers do. We loan out money that we take in.

[00:02:26] **Eric Bland:** Yeah, really? Well, it doesn't go through underwriting. It didn't go through a loan committee. Somebody has to determine whether the person who's borrowing the money is a credit risk, whether there should be adequate collateral. I don't care that he's some highfalutin lawyer and he's well respected and his end-of-the-year income shows he's a million dollars. There isn't a loan committee that would've approved the loan to Alex Murdaugh under those terms.

[00:02:51] **Liz Farrell:** Why don't you talk just a little bit about the bank 'cause we were talking about that at one point? So the executive committee at Palmetto State Bank, I think it consists of five people. And so, that is Charlie Laffitte, who's Russell Laffitte's father, Gray Laffitte, who is his sister, I think her last name's Henderson now, Russell, obviously, I think there's a civilian, he does not get a vote, and then I think —

[00:03:12] **Eric Bland:** There's Norris Laffitte, Jan Malinowski, and Becky Laffitte, who is a wonderful, principled, highly respected attorney from Columbia, South Carolina. She is gold.

[00:03:28] **Liz Farrell:** So according to our sources, I think we can say that you have sources, too, Eric, but according to our sources, the bank board is rather split. And I think it was before the murders, it sounded like it anyway, that there was sort of Charlie, Gray, and Russell, their side, and then maybe Becky.

[00:03:45] **Eric Bland:** The reason you have a bank board is because a corporation is a separate individual under the law and you have to operate that board and that company in accordance with corporate formalities. You have to have meetings, full disclosure, and voting. You have to be free from conflict of interest. And so, if you have a board and Russ and Charlie and his sister control it, they still have to go through the motions to have a meeting and go through a vote that if you ever go to court, the court will say, "Under the business judgment rule, I will defer to the board." The courts don't want to



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become part of a boardroom. A judge doesn't want to have to go sit at the board table. As long as there's been full disclosure to a board, as long as there's been a vote and people voted in good faith, you can have a voting block. So Russ and Charlie and his sister always could outvote the other people.

[00:04:50] **Liz Farrell:** And this is kind of one of Russell's defenses, right, is that we have a voting block and that's why we didn't go to the board.

[00:04:57] **Eric Bland:** Wrong.

[00:04:58] **Liz Farrell:** That's what he says, though.

[00:04:59] **Eric Bland:** You're right. But that's wrong.

[00:05:01] **Liz Farrell:** No, I know it's wrong. But that's his defense.

[00:05:03] **Eric Bland:** That's not a defense.

[00:05:04] **Liz Farrell:** So what does a defense mean? Does it mean that you —

[00:05:07] **Eric Bland:** He lost the defense of having a fully functioning board.

[00:05:11] **Liz Farrell:** One of his excuses then is what I'm saying. Okay, so one of his excuses is that, my sister and father and I represent a majority on the executive committee.

[00:05:19] **Eric Bland:** So why do we have to go to the board?

[00:05:20] **Liz Farrell:** So why do we have to meet? Why would I have to tell them anything? We're gonna win that vote no matter what. And your response to that is what?

[00:05:26] **Eric Bland:** Now, you're no longer a self-existing corporation. You're operating as your own individuality and you lose the benefit of a corporate shield and a bank's veil get pierced. What you always want is separation from an owner and the company, and you do that by following corporate



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formalities. Well, Russell just busted the wall and said, "We don't even need to meet."

[00:05:50] **Liz Farrell:** Right. So he's not running these loans by the executive committee. He has said that, you know, nobody at the bank knew that he was taking out these loans or giving them to Alex. And he then said later that, you know, he had the permission of a judge.

[00:06:05] **Eric Bland:** What do you think Jan Malinowski would've said if he brought this loan before the board? "I'm gonna borrow \$250,000 from Hannah Plyler and I'm gonna charge myself an interest rate of 2.5%." Jan Malinowski is gonna say, "Hey, that's really not fair because I got a mortgage that we have from this bank and I'm paying 6.5%." So where the hell do you get off charging yourself to 2.5%? It's not gonna pass —

[00:06:30] **Liz Farrell:** Do you think that's why he didn't say anything?

[00:06:32] **Eric Bland:** Of course, of course. And we'll be right back.

[00:06:43] **Liz Farrell:** So obviously, the September 6th hearing gave us a little bit of insight into Russ's position, which was that the board was aware and that report —

[00:06:53] **Eric Bland:** Well, Russ walked both sides of the street at that hearing, Liz. What he said was the board was always aware. However, all I needed was Big Charlie's vote and my sister, and couple that with my vote, then I could do anything I want at the bank, which is a really —

[00:07:07] **Liz Farrell:** And that's not true, right?

[00:07:08] **Eric Bland:** That is not true.

[00:07:09] **Liz Farrell:** That's not at all.

[00:07:09] **Eric Bland:** Not at all true.



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[00:07:10] **Liz Farrell:** You can't just have like a kitchen meeting with your, like a Sunday dinner meeting with your dad and your sister.

[00:07:15] **Eric Bland:** No. To have an independent board, a fully functioning independent board, you have to have notices of meeting, you have to have minutes typed up or minutes written up. And then when you vote, you have to have what's known as resolutions and they become in writing and there's a notebook that you can go to where you would get all that. Like the Feds, when they come in to do spot checks on your bank, they say, "Give me all your resolutions. Give me all your minutes." And you should be able to go to a drawer and just pull them out.

[00:07:47] **Liz Farrell:** So who has a right to what goes on in those meetings? Like I can't just walk in as a customer of Palmetto State Bank and say, "Show me your resolutions," right?

[00:07:55] **Eric Bland:** No, you do not have that right. Now, we would have that right if you were a customer and they did something and cost you money and you sued. Then through discovery, we would get all of that information.

[00:08:07] **Liz Farrell:** Now, speaking of discovery, so according to, so this came out last week through FITSNews, which Mandy and I used to work for, and what was said was that there was gonna be an emergency hearing in federal court and it involved, and I can't remember exactly what the report said, but that hearing involved Palmetto State Bank, which this is a criminal case, Russell's, you know, charged with six counts federally. And why would Palmetto State Bank be intervening? And as we found out in The Post and Courier, the day after the hearing, so the hearing was held on —

[00:08:44] **Eric Bland:** Thursday.

[00:08:45] **Liz Farrell:** That was Thursday? Okay. So the hearing was held late on Thursday and it wasn't posted publicly. It was, I guess, you know, what Judge Gergel, who, Judge Richard Gurgle, who's the federal judge that's gonna be overseeing the case.



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[00:09:00] **Eric Bland:** Great judge. He really is. No, no, no, no. I practiced against him early in my career before he became a judge. So he is as serious as it gets.

[00:09:10] **Liz Farrell:** Well, that's good. So he was not gonna have this hearing listed publicly, I guess, because, which again is problematic because the federal court doesn't allow recording. And so, even though it's a public sphere, it's sort of already, you know, sort of shrouded. But he wasn't going to hold a public hearing because he said that there was some attorney-client privilege that might be violated there.

[00:09:33] **Eric Bland:** Yeah. This takes more twists and turns than a "Game of Thrones" episode. How does the bank all of a sudden interject themselves in a criminal case involving Russell Laffitte? The reason is because somebody claimed that there was a discovery violation. Remember, in a criminal case, the discovery is more voluntary and it's proactive. So if the government has to turn over incriminating information under the Jencks Act and exculpatory, which means exonerating, information to Russ automatically under the Brady Act. And so, they turned over information. Russ's lawyers must have found out through, obviously, Russ, that there were recordings of these board meetings.

[00:10:26] **Liz Farrell:** So the issue here is that Russ is maintaining that he had the board's permission to do a couple of the things that he's now facing charges for. One of those would be he is accused of walking over a \$680,000 check to PMPED to pay the bank's half of the \$1.36 million that were stolen from Arthur Badger or allegedly.

[00:10:52] **Eric Bland:** For Donna Badger's death.

[00:10:53] **Liz Farrell:** Yeah. So okay, so that's a problem, right? Like 'cause so basically it's not his money to spend. You don't just write a check out to PMPED. But it's not clear if that's what the issue is because The Post and Courier kind of hints at that because they talk about PMPED's involvement and that would be the one where there was, so the other bank and wire fraud and misapplication of bank fund charges involve, you know, the loan, the loans. But the one that involves PMPED quite explicitly would be the \$680,000 check.



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[00:11:23] **Eric Bland:** Yeah, 'cause everybody at PMPED realized that, oh my goodness, this money that is set aside for the Badgers is gone. How are we gonna replenish this? And somebody must have gone to the bank and said, "We're not gonna spend a hundred percent of our money replenishing that account. You guys have culpability. Russ, you have culpability for letting Alex do what he did." And so, Russ, who probably doesn't have \$680,000 liquid in his right hip pocket, went to his dad and said, "Look. I negotiated that we're gonna have to put up 50% of this." So the issue then becomes, well, is the bank aware of this? And Russ claims that he didn't. Now, this is just a small charge of the many charges against Russ. Just because the bank may have been aware, according to Russ, that they were gonna give \$680,000 to the law firm to make this account whole, that's not gonna get him off.

[00:12:23] **Liz Farrell:** No, but I think we're talking about two issues, right? We're talking about Russ's criminal case and then there's also now the civil case, like —

[00:12:30] **Eric Bland:** Oh sure. Helps the Plyler girls in their civil case. Helps Mark Tinsley immensely in his Badger case.

[00:12:38] **Liz Farrell:** Explain that. Why?

[00:12:39] **Eric Bland:** Well, Mark Tinsley has a case that he's suing over this money and the law firm, the Badger money, the law firm has indicated they don't want to pay him, and the bank responded in their answer to Mark's lawsuit that they don't have any responsibility because they were unaware that this took place. If you want to get your money, look at —

[00:12:59] **Liz Farrell:** Yeah. Their position's basically Russ is a lone gunman in this, right?

[00:13:03] **Eric Bland:** Yeah. He's a lone wolf. He went rogue. That's the term that the corporate board's used, that he went rogue. Now, Russ is smarter than I thought because he brought a little handheld tape recorder into these.

[00:13:20] **Liz Farrell:** Oh, is that what happened?



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[00:13:21] **Eric Bland:** Oh, yeah. I heard on the street that this was not a sanctioned recording because boards don't like to record. That's why people take minutes. Listen to me. Listen to me. The reason that people have secretaries of a board are because you don't wanna have too much information. TMI is no good because that shows that you knew more than you really should have. You just want to have a secretary that uses kind of buzzwords, like "talked about Alex Murdaugh." That's a general term. You don't wanna say, "Well, we've talked about Alex Murdaugh because he was a deadbeat."

[00:14:01] **Liz Farrell:** Why would Russell have done that? So —

[00:14:03] **Eric Bland:** 'Cause Russell smelled a rat. Russell smelled that he was being pushed out in front of a bus that was going about a hundred miles an hour by the bank. He said, "They're gonna sacrifice me to save the bank. Even Big Charlie is sacrificing me to save the bank." So Russell —

[00:14:23] **Liz Farrell:** Mandy and I were talking about this earlier and he's not really a sac — Mandy, you tell. You say what it is.

[00:14:29] **Mandy Matney:** I said he's not a sacrificial lamb. He's a sacrificial loser.

[00:14:34] **Eric Bland:** He may be a sack. He may be a sack. It's a sack of what? I don't know. I can call him. I could fill up that sack with a lot of —

[00:14:41] **Mandy Matney:** I mean, lambs are innocent and Russ is innocent in this.

[00:14:47] **Eric Bland:** Is he the scapegoat? No, he is not the scapegoat. Nobody is putting all the sins on Russ. Remember, you got the ODC that is looking hard at PMPED and all the lawyers involved. And they're not telling us what they're doing. We also have the FDIC and the banking, we don't know what the banking department in Washington, DC is looking into this bank. There's so many different things that are taking place. It does appear, at least for the last month, that Russ is the guy in the spotlight. You haven't heard from Dick. You haven't heard anything on Alex. Nothing in that way. It's all on Russ.



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[00:15:27] **Liz Farrell:** So okay. He brings, I did not know that he brought a recorder. How good's your source on that?

[00:15:32] **Eric Bland:** Real good.

[00:15:33] **Mandy Matney:** When was that meeting?

[00:15:36] **Liz Farrell:** So I guess it would've been maybe around then or like last fall anyway, so after all the stuff started coming out.

[00:15:41] **Eric Bland:** Yeah. It's kinda like when Russ decided we'd pay his taxes. Like yeah, of course, I paid my taxes. I amended my tax return suddenly in 2020. This hit the fan for the bank, the law firm, bankers, everybody in that area of the state after September 3rd of 2021. And everybody said, "Hey, man. I better get my house in order." But I think everybody got the message. Oh my goodness. We better start looking at our files. Once Alex went down after Labor Day and then Mandy and I got on the horn and really started talking about the financial crimes, that's when people like the law firm said, "We better look into every single escrow account." That's when people like Chris Wilson said, "Hey, wait. I had some cases with Alex. I better be checking on that." And that's when Russ said, "Hey, you know what? I better amend my tax returns 'cause you know what? I don't think I reported all that income that I got."

[00:16:41] **Liz Farrell:** Okay. So going back, because I wasn't sure when you said discovery violation, if you were talking about like if Russell was in possession of a recording that sort of shows that the board was aware of something, I was gonna ask like how did the prosecution not have that like it to give to —

[00:17:02] **Eric Bland:** Well, he doesn't have an obligation to turn over information. That's not Russ's job.

[00:17:06] **Liz Farrell:** Okay, so it's not something that Emily Limehouse could have gotten through a subpoena or —

[00:17:11] **Eric Bland:** Well, she could have gotten it through a subpoena to the bank if the bank had it. If this was a legitimate recording, if for some stupid



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reason they had a lawyer that would tell them to record board meetings, which no lawyer would do, but if they did and there was a drawer full of recordings, those would have to be turned over either in a grand jury subpoena or a subpoena during in a pending case.

[00:17:38] **Liz Farrell:** So is Russell gonna be, I mean, is that another thing he's gonna be in trouble for? I know in South Carolina it's a one-party state, but, you know, you guys as lawyers aren't allowed to secretly record people, right? You're not allowed to one-party consent.

[00:17:52] **Eric Bland:** No, no. Lawyers aren't gonna do it. So the question is, did he have a lawyer that told him to do that? That would be a bad thing. A lawyer can't use, deputize somebody else to go record something that a lawyer couldn't do themselves. The problem is, do they have the whole tape? Does it give context to the situation? For instance, he may have discussed that we're paying \$680,000 of our money to PMPED, but did he give all the background information so that they really understood it? Or did he kind of shade the reason why? So the question for Richard Gergel is, well, the bank's gonna say, "We had lawyers in that meeting and we talked. And so, we have an attorney-client privilege with that board." However, the attorney-client privilege is not inviolate. It can be pierced, and it's pierced through fraud. So if a fraud was committed, then the attorney-client privilege can be invaded, but it would take a court order. The attorney-client privilege belongs to the client, the privilege belongs to the client. So the client is who? The bank. And they have to agree to waive that privilege, and they are asserting their privilege with all arms around that tape saying, "That's our privilege. Can't be disclosed."

[00:19:19] **Liz Farrell:** Now, why would they wanna do that maybe?

[00:19:21] **Eric Bland:** Because they're scared. They're scared. They're not so much concerned. They're scared of board members actually now being complicit. And is Emily Limehouse gonna bring them before a grand jury? And are they gonna be potential targets just like Russ? Does this make Big Charlie now a real target? More importantly, I am going to name individual board members. Mark Tinsley's going to name individual board members in his Badger suit if we get that tape. Now, I'm gonna be Russ's lawyer. I'll sit where Bart and Matt are sitting and I'm gonna say, "Hey, look. You're bringing



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criminal charges against this guy. You're saying he was rogue." His defense is I was authorized to do what I did. Remember, officers act on behalf of a board. They can't act unless they're in power.

[00:20:13] **Liz Farrell:** Could the other charges could be affected, too? Like I mean, could we be seeing more than one charge being affected by whatever's on this recording?

[00:20:21] **Eric Bland:** You raise a really interesting thing because somebody doesn't wake up one morning and say, "I'm gonna become a taper." They're usually a serial taper. Listen, I've had taper cases in front of juries and they're icky. They look at them like, oh yeah, they look at them like — the person — Really you tape every conversation? Russ may be a serial taper. We don't know that. So maybe he does have tapes where he discussed —

[00:20:47] **Liz Farrell:** That's one letter away from being very dangerous. A serial taper.

[00:20:52] **Eric Bland:** Right. Listen. Yeah, I know, it could be serial. I got it. But the point is, I don't think he just said, "Geez, I'm gonna tape on this." I think if he's a taper, he taped a lot of different things. He's, you know what? He's no dummy. I think he was dumb for testifying. I think he was dumb for testifying at a bond hearing on the merits of his criminal charges and no one really understands that. But people understand self-preservation. Even the dumbest of people understand self-preservation. And you start to feel like you're out on a branch. You start to protect — CYA. You cover yourself. So do I think he's got a tape to exonerate them from every charge against them? No. And remember, there's no backstop here 'cause he's got state criminal charges against him. Russell is not going to get off. It's just not gonna happen. There's, he just —

[00:21:47] **Liz Farrell:** So do you think we're still gonna see a trial?

[00:21:49] **Eric Bland:** Let me tell you how sausage is made. Before a case goes to trial, a judge just doesn't walk in and say, "Hear ye, hear ye," the case is called. He meets with the attorneys and says, "If it's a civil case, can this thing settle?" You know, are you willing to pay money or are you willing to take less money if it's a criminal case? He says, "Have y'all talked a plea?" He may bring



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these parties in and say, you know, I've read the briefs on this taping subject and, you know, I'm inclined to give a ruling that I think both of you are going to be dissatisfied with, and it's my strong recommendation that decisions be made about having discussions to resolve this through plea. Now, let me explain how it works. If a prosecutor offers a plea to a defendant and there's 20 charges, and the prosecutor says, "I'll let you plead guilty to three charges," the sentencing by the judge is usually a little lighter than what the book would say than what the statutes would say. Because you get credit for cooperating, as a cooperating witness, to say, "I'm pleading guilty," and you offer some information that may be helpful, and it's called a "downward departure." So a sentence that ordinarily would be 15 years, starts to go down to 10 years, starts to go down to five years.

[00:23:16] **Liz Farrell:** 'Cause he's risking a lot of years here by going to trial, right?

[00:23:19] **Eric Bland:** Right. Now, if a defendant turns down that plea and he says, "I'm gonna go roll the dice," and he goes to trial and he's found guilty, the judge then looks at the sentencing a completely different way. And he won't exercise his discretion in favor of the defendant. It starts to be a real strong sentence. So a sentence for a crime that he pleads guilty to, then he may get a judge-imposed sentence of three years on a plea. If he's found guilty by a jury, could get him 10.

[00:23:52] **Mandy Matney:** And we'll be right back.

[00:24:01] **Eric Bland:** Again, I don't think we're anywhere near the end of this. I do not believe that Alex, Russ, and Cory, the Holy Trinity, are gonna be the only, they're not celery, they're not, bell peppers, and they're not onion. They're not gonna be the three, the only three that goes down and everybody skates clear in the darkness. I think, at the end of the day, at the end of the day, there's gonna be lawyers, judges, everybody's gonna have to be accountable. I believe it. I believe it.

[00:24:31] **Liz Farrell:** I mean, that brings us to the PMPED question, which Mandy and I talk about a lot.



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[00:24:36] **Mandy Matney:** Well, first of all, it's just taking a while. I mean, the fact that Russell is still, he's the only federal defendant in this entire —

[00:24:45] **Eric Bland:** Yeah, but we already talked about why Alex isn't a federal defendant. Alex isn't a federal defendant because Dick would plead him guilty and send him to go do his time up at the Goldsboro Federal Prison.

[00:24:55] **Mandy Matney:** One thing we should be clear about. I don't think anybody here is accusing anybody of PMPED of crimes. We do not for sure know that they, but all we want is clarity, to ensure that they are investigating them thoroughly, and to get answers as to —

[00:25:15] **Liz Farrell:** 'Cause there's no sign.

[00:25:16] **Eric Bland:** Of course you want them investigated. Russell, on September 6th, said it wasn't only Alex who was getting these favorable loans. There were other lawyers in the firm who got these favorable loans that they didn't have to repay monthly like you, me, and, Mandy would do, Liz. They got to pay after they got their annual bonuses at their firm.

[00:25:40] **Liz Farrell:** So it benefits PMPED and the bank to have Russell sort of absorb a lot of this right now, right?

[00:25:47] **Mandy Matney:** I think that's something that's gonna be super interesting about this though because it's not a typical, Russell is not a typical employee at a bank that's like, oh, screw my company. They can all, it's his family, and then —

[00:26:01] **Eric Bland:** Yeah, he's a whistleblower. He's the Erin Brockovich of Palmetto State Bank. He's a whistleblower.

[00:26:08] **Mandy Matney:** I like Erin Brockovich.

[00:26:09] **Eric Bland:** He's a whistleblower. He blew the whistle on his family.

[00:26:13] **Mandy Matney:** Yeah. And it's gonna be interesting, too, when it comes down to, if he points a finger at PMPED also. We can't pretend, like all



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these people are intermingled and they're very tight-knit in Hampton. And so, this isn't a scenario where Russell could just be like, screw the corporation that I work for and all these other. I mean, if he does, then he has a lot of stake in the matter. He has family stake and personal between PMPED and the bank and the law firm. Seems like it goes back a very long time of this relationship.

[00:26:55] **Liz Farrell:** So it's like mutual self-destruction or mutual benefit to —

[00:26:58] **Eric Bland:** I do want to say one thing. He's not Frank Pentangeli from The Godfather. Russell is supposed to take this like a man and go down, and not rat out a family member. Take it for the organization so that the organization stands. When a mafioso gets pinched, they do not squeal on their caporegime, they don't squeal on the organization, they say "It was all on me." Russell doesn't seem to be wearing the mafia hat. He's willing to take down the citadel of Palmetto State Bank.

[00:27:36] **Liz Farrell:** So Mandy, I wanna talk a little bit about that September scramble where last year it seems like all these key players like, you know, Eric had said earlier, suddenly are paying their taxes and, you know, cleaning up their houses. And you were saying something about the murder, like so maybe June 7th should have been like the starting point for them. Or like why did they wait till the fall?

[00:28:02] **Mandy Matney:** Yeah. I mean, I know through sources that Alex's law partners did not believe he was innocent when the murders happened. Let's just put it like that, of the murder. Several of them were very extremely skeptical immediately. And you have — yeah.

[00:28:24] **Liz Farrell:** They knew, but they didn't wanna know.

[00:28:26] **Mandy Matney:** Yeah. And if you look back on PMPED statements like after the murders, they weren't like calling for justice. They weren't saying, "This is so horrible for Alex." They were just kind of —

[00:28:39] **Eric Bland:** Holding their powder dry.



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[00:28:41] **Mandy Matney:** Yeah. And you would think at that time, a light bulb would go off in a lot of these guys' heads of being like there's gonna be a big investigation into everything in Alex Murdaugh's life.

[00:28:55] **Liz Farrell:** Yeah.

[00:28:56] **Eric Bland:** Which means there's gonna be a big investigation in our lives.

[00:28:59] **Mandy Matney:** Yeah, the Murdaugh law firm literally. That's what they're known as.

[00:29:03] **Eric Bland:** Yeah, you can't separate Alex from the firm.

[00:29:04] **Mandy Matney:** You can't separate Alex from it. And so, I'm just surprised that the scramble didn't happen earlier.

[00:29:11] **Liz Farrell:** So Mandy, how do you think Judge Gergel should rule on the motion to, I guess it's not really necessarily a motion, but the admission of this recording? Not knowing exactly what it says, it could result a charge getting dropped or, it definitely changes the game. So how do you think he should rule?

[00:29:32] **Mandy Matney:** I think he should allow the recording. I think, I mean.

[00:29:37] **Liz Farrell:** Yeah. I think so, too.

[00:29:38] **Mandy Matney:** I think the thing that we're learning with all of this case is we need all of the pieces and the most amount of sunlight and transparency.

[00:29:48] **Liz Farrell:** Absolutely.

[00:29:49] **Eric Bland:** You want to ask me?

[00:29:51] **Mandy Matney:** Yeah. Eric, what would you do?



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[00:29:54] **Eric Bland:** Are you asking Eric Bland or are you asking Eric the lawyer?

[00:30:00] **Liz Farrell:** Let's start with Eric the lawyer, and then we'll ask Eric Bland.

[00:30:04] **Eric Bland:** Conditionally yes. And I only say conditionally yes is if that is the entire tape. If he only recorded what he wanted to record or he did what Nixon did and erased 19 minutes of the tape and we don't know what's on that 19 minutes, then I'm not gonna let it in because you need context for it. So assuming this is a start-to-finish tape, absolutely. But if it's just portions or, you know, I'm sure the government's gonna get it and say, "Hey, this has been rerecorded or it's been spliced," then it's a different story. So that's Eric the lawyer. Eric Bland? Let it in.

[00:30:50] **Liz Farrell:** You know, where things stand right now, Judge Gergel has asked for a transcript to be put together so they can determine which parts of the recording are attorney-client privilege. And I think that that's, we haven't heard, but I think we're gonna hear this week about that. So it's possible before we publish this on Wednesday that we've heard the answer. But can't wait to hear it, honestly. And there's, it seems like we're in for another couple weeks of high drama until that November 7th date.

[00:31:19] **Eric Bland:** Trial going forward. Yes or no?

[00:31:21] **Mandy Matney:** I think it is. I think it's full steam ahead it seems like.

[00:31:24] **Eric Bland:** So you guys need to know that attorney-client privilege is an issue that can be appealed for an interlocutory appeal, which means immediate appeal to the Court of Appeals. And the reason is because it's such a sacrosanct privilege that once you let the cat out of the bag, you can't put it back in it. It's toothpaste out of the tube. Once it's squeezed out, you can't stuff it back in. So am I, I think there's now a less than 50% chance the trial will go forward.

[00:31:53] **Liz Farrell:** Well, that's encouraging. I mean, I think it would be nice for everybody. But I also think that, to Mandy's point, a trial, a lot would be coming out in that trial. So there is a benefit for a two-week trial in this.



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[00:32:05] **Eric Bland:** Oh, not only will a lot come out, but let's say there's a conviction. That will be a real bellwether event for Cory Fleming, for Alex, for some other, you know, we don't know who've received target letters by the way. So there's tons of people out there that may have received target letters that we have no idea have received those yet. They haven't been leaked. So that would be a bellwether event for them to say, "I need to cooperate. I need to be the first in." Remember, at that point, it's who's ever first in gets the best deal.

[00:32:56] **Mandy Matney:** The Murdaugh Murders Podcast is created by me, Mandy Matney, and my fiancé, David Moses. Our executive editor is Liz Farrell.

[00:33:04] **Outro:** Produced by Luna Shark Productions.

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